IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.29614 of 1998

Dated: April 10, 2007

Between:

Sri A. Gopal Rao, S/o. A. Subbaiah, aged about 81 years, R/o. Penamaluru, Krishna District.

… Petitioner

And

The State of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad, rep. by its Secretary, and Two others.

… Respondents

Order:

Petitioner has filed this Writ Petition seeking Mandamus to declare letter dated 05-10-1998, issued by the third respondent in Lr.No.B/873/98.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioner is the owner and possessor of the premises bearing No.12-13-1219 and 1219/1, admeasuring 1004 Sq. yards, situated at

Tarnaka, Secunderabad, having purchased it by a registered sale deed dated 03-03-1989. The grievance of the petitioner is that the third respondent – Mandal Revenue Officer, Marredpally, issued the impugned letter to one K. Madhava Rao of Tarnaka, Secunderabad, requesting him to vacate the premises bearing No.12-13-1219 and 1219/1. He questions the action of the third respondent in issuing the impugned letter to the aforesaid person stating that he has occupied the evacuee property. It is the case of the petitioner is that he is the owner and possessor of the aforesaid premises and that the same is not an evacuee property.

3. This Court, while admitting the Writ Petition, by order dated 27-10-1998, suspended the operation of the impugned letter. Though the Writ Petition is of the year 1998, no counter affidavit has been filed by the respondents and the interim order has been continuing all along.

4. Learned Government Pleader appearing on behalf of the respondents submits that no steps are being taken to evict the petitioner from his premises referred above and the impugned letter is only confined to the land that is in possession of the said Madhava Rao.

5. It is to be seen that though the impugned letter is addressed to the said Madhava Rao, asking him to vacate the premises, however, the house number mentioned therein is stated to belong to the petitioner, who has purchased it by registered sale deed dated 03-03-1989. Having regard to the claim of the petitioner that he is the real owner of the property in question having purchased it through a registered sale deed, I dispose of the Writ Petition directing the respondents not to evict the petitioner from the premises in question,

without following the provisions of the Administration of Evacuee Property Act, 1950, if the premises in question is found to be evacuee property. No costs.

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JUSTICE R. SUBHASH REDDY.

April 10, 2007
MRR